

**BEULAVILLE
TOWN CHARTER**

TITLE 1

ARTICLE I INCORPORATION AND CORPORATION POWERS
Section 1.1 Incorporation and General Powers

The Town of Beulaville shall continue to be a body politic and corporate under the name of the “Town of Beulaville”, and shall continue to be vested with all property and rights which now belong to the town; shall have perpetual succession; may sue and be sued; may contract; may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold or in any manner conveyed or dedicated to it, or otherwise acquired by it, and may from time to time hold or invest, sell, or dispose of the same; and shall have and may exercise in conformity with this Charter all municipal powers, functions, rights, privileges, and immunities of every name and nature whatsoever.

Section 1.2 Exercise of Powers

All powers, functions, rights, privileges and immunities of the town, its officers, agencies, or employees shall be carried into execution as provided by this Charter, or if this Charter makes no provisions, as provided by the General Laws of North Carolina pertaining to municipal corporations, their officers, agencies, or employees and as provided by ordinance or resolution of the town board.

ARTICLE II CORPORATE BOUNDARIES
Section 2.1 Town Boundaries and Map

(a) The boundaries of the town shall be those existing at the time of adoption of this Charter with such alterations as may be from time to time in the manner provided by law. As of the effective date of this Charter, the said boundaries shall constitute the territory embraced within the following boundaries:

The boundaries of said Town of Beulaville shall embrace the following territory: BEGINNING at a stake which is located North fourteen (14) degrees thirty (30) minutes east 2045 feet from the intersection of the center of Jackson Street with the center of Front Street in said Town of Beulaville, said point of intersection being marked by a cement monument located at said intersection by R.W. Craft, surveyor, by direction of said town; and running from said stake so located at the northern terminus of said 2045 foot line, North seventy-four (74) degrees thirty (30) minutes west 3020 feet to an iron stake; thence South fourteen (14) degrees thirty (30) minutes west crossing the Hallsville public road 5000 feet to an iron stake; thence South seventy-four (74) degrees thirty (30) minutes east 7280 to an iron stake; thence North fourteen (14) degrees thirty (30) minutes east 5000 feet to an iron stake; thence North seventy-four (74) degrees thirty (30) minutes west 4260 feet to the BEGINNING.

ARTICLE III CHARTER AMENDMENTS
Section 3.1 Incorporation of Amendments

(a) As soon as possible after the adjournment of each General Assembly, the town attorney shall present to the town board copies of all local laws relating to the Town of Beulaville that were enacted by such General Assembly, whether or not amending in terms this Charter, which he recommends be incorporated into this Charter. Such recommendations may include suggestions for renumbering or rearranging the provisions of such laws, for providing titles and catchlines, and for such other changes in arrangement and form that do not change the law as may be necessary to implement the purpose of this article.

(b) After considering the recommendations of the town attorney, the town commissioners may provide for the incorporation of such laws into this Charter.

biennially thereafter, three (3) commissioners or two (2) commissioners and the mayor shall be elected.

The mayor and two (2) commissioners who receive the most votes in the municipal elections of 1973 shall be elected for four (4) year terms.

The remaining three (3) commissioners shall be elected for two (2) year terms and at the expiration of the two (2) year terms, the successors in office of the above mentioned three (3) commissioners shall be elected for four (4) year terms.

Section 4.2 Organization of Board; Oath of Office

The Board of Commissioners shall at 7:30 PM on the first Monday in December following the date of their election meet and organize for the transaction of official municipal business. Before entering upon their offices, the commissioners shall severally take the required oath before the town clerk to perform faithfully in the duties of their respective offices. Any elected commissioners not present at the organization meeting may take the oath of office to take said oath within thirty (30) days forfeits his right to the office and the Board shall have the authority to fill the vacancy.

Section 4.3 Mayor Pro Tem

The mayor pro tem shall be elected by the town board from among its own members and he shall hold such office for the term for which he has been elected to the board. In the absence, disability, or resignation of the mayor, the mayor pro tem shall, to the extent permitted by the General Statutes of the State of North Carolina perform the mayor's duties, and until a mayor has been selected as provided in Article IV, Section 4.1 (e) of this Charter.

Section 4.4 Rules and Journal of Proceedings

The town board shall determine its own rules and order of business and shall cause to be kept a journal of its proceedings.

Section 4.5 Mayor and Commissioners to Hold No Other Offices

Neither the mayor nor any member of the town board shall hold any other office or position of trust, profit, or honor under the town government.

Section 4.6 Exercise of Town Powers

(a) The town board shall direct the exercise of all of the powers of the town, except as otherwise provided by this Charter.

(b) In addition to the specific powers herein conferred and to other powers conferred upon it by general law, the town board may adopt and provide for the execution of such ordinances, rules, and regulations not inconsistent with this Charter, as may be necessary or appropriate for the preservation and promotion of the health, safety, comfort, convenience, good order, better government and the general welfare of the town of its inhabitants.

ARTICLE V ADMINISTRATIVE OFFICERS AND PERSONNEL
Section 5.1 Appointment and Removal; Compensation; Duties; Grievances

(a) The town board, except as may be delegated to department heads from time to time, shall appoint and may suspend and remove all town employees and heads of departments, and, in its discretion may employ consultants of any kind when needed.

(b) All salaries and compensation shall be fixed or approved by the town board.

(c) Town employees and department heads shall perform such duties as may be required of them under the general direction and regulations of the town board.

(d) The town board reserves the right to provide that upon the recommendation of a department head any employee shall be given the right to present his grievance to the board.

Section 5.2 Town Attorney

The town attorney shall be appointed by the town board and shall have the following duties: (1) To serve as legal advisor to the town board, the clerk, the finance officer, the tax collector, and all town departments, officers, and agencies; (2) To represent as counsel the town, its officers, agents or employees in any legal action arising out of or connected with the proper functions of the town, unless disqualified so to act; (3) To draft such ordinances, resolutions, and documents as requested by the town board.

Section 5.3 Town Clerk

The town clerk shall be appointed by the town board and shall act as clerk to the town board, attend all meetings thereof and maintain a permanent record of all proceedings thereof.

Section 5.4 Town Finance Officer

The town board shall appoint a finance officer, who executes the duties set out in the Local Government Budget and Fiscal Control Act.

Section 5.5 Town Tax Collector

The town board shall appoint a tax collector for the town who shall be charged with the collection of all taxes and assessments.

Section 5.6 Consolidation of Functions of Certain Offices

The town board may, in its discretion, consolidate the offices of town clerk, town finance officer, and town tax collector, and may assign the functions of any one of these offices to the holder of any other of these offices.

Section 5.7 Oath of Office

Before entering upon the discharge of their duties, the holds of the following offices and positions shall be required to take the oath prescribed for public officers, before the mayor or the town clerk. The town clerk, town finance officer, tax collector, any assistant town clerk or assistant tax collector or assistant tax treasurer, chief of police and each member of the police force, the building inspector, and all employees empowered to enforce the Building Code.

ARTICLE VI TAXATION
Section 6.1 Powers of Taxation

The town shall have all taxing power and authority delegated to municipal corporations by general law.

Section 6.2 Additional Remedies for Collection of Privilege License Taxes

In addition to any other civil or criminal remedy available to enforce the collection of privilege license taxes, the collector may employ the remedies of levy upon personal property, attachment and garnishment, in the manner and subject to the limitations provided by general law for the collection of ad valorem taxes.

ARTICLE VII ASSESSMENT FOR STREET IMPROVEMENTS
Section 7.1 Power Generally

In addition to any authority which is now or may hereafter be granted by general law to the Town of Beulaville for making street improvements, the town board is

authorized to make street improvements, and assess the cost thereof against abutting property owners in accordance with the provisions of this article.

Section 7.2 When Petition Unnecessary

The town board may order street improvements and assess the cost thereof, exclusive of the cost incurred at street intersections against the abutting property owners at an equal rate per front foot without the necessity of a petition, upon the finding by the town board as a fact:

(a) That the street improvement project does not exceed twelve hundred lineal feet; and

(b) That such street or part thereof is unsafe for vehicular traffic and it is in the public interest to make such improvement; or

(c) That it is in the public interest to connect two streets or portions of a street already approved; or

(d) That it is in the public interest to widen a street or part thereof, which is already improved; provided, that assessment for widening any street or portion of street without petition shall be limited to the cost of widening and otherwise improving such street in accordance with the street classification and improvement standards established by the town's thoroughfare or major street plan for the particular street or part thereof to be widened and improved under the authority granted by this action.

Section 7.3 Street Improvement Defined

For the purpose of the preceding section, the term "street improving" shall include grading, repaving, resurfacing, widening, paving, repaving, and the construction or reconstruction of curbs, gutters, and street drainage facilities.

Section 7.4 Assessment Procedure

In ordering street improvement without a petition and assessing the cost thereof under authority of this article, the town board shall comply with the procedure provided by Article 10, Chapter 160A-216 through 236 of the North Carolina General Statutes, except those provisions relating to the petition of property owners and the sufficiency thereof.

Section 7.5 Effect of Assessments

The effect of the act of levying assessments under authority of this article shall for all purposes be the same as if the assessments were levied under authority of Article 10, Chapter 160A-216 through 236 of the General Statutes of North Carolina.

ARTICLE VIII ESTABLISHMENT OF PROPOSED STREET LINES

Section 8.1 Authority to Establish Proposed Street Lines

Whenever, in the opinion of the town board, it is in the best interest of the town to do so, the town board may make provision for the ultimate widening or extension or both of existing streets and for the opening of new streets and for the gradual acquisition of the lands necessary for such improvements, in accordance with the procedure established by this article.

Section 8.2 Platting of Proposed Street Lines

From and after the time of adoption of a major street plan by the town board and the state highway commission pursuant to provisions of G.S. 136-66.2, and as amended, the town board shall have power to request, make or cause to be made, from time to time, surveys for the exact locating of the lines of new, extended, widened or narrowed streets and highways in the whole or any portion of the town and the area within one mile outside of its corporate boundaries. Personnel making such surveys are empowered to

enter upon lands, make examinations or surveys and place and maintain necessary monuments thereon, at reasonable times and with due care for the property. A plat or plats of the area or areas thus surveyed shall be prepared on which are indicated the location of the lines recommended as the planned or mapped lines of future streets, street extensions, street widening or street narrowings. The preparation of such plat or plats shall not in and of itself constitute or be deemed to constitute the opening or establishment of any street or the taking or acceptance of any land for street purposes.

Section 8.3 Adoption of Official Map; Hearing: Notice

Following the preparation of such plats, the town board may officially adopt a map or maps of planned new street and highways, extensions, widening, narrowings or locations of streets within the town and the area within one mile outside of its corporate boundaries. Before taking any such action, the town board shall hold a public hearing thereof, notice of the time and place of which shall have been given once a week for two successive weeks in a newspaper publishing in the town, or if there is no newspaper published in the town, by posting such notice at four public places in the town and at four public places within the affected area outside of the corporate boundaries. Said notice shall be published or posted for the first time not less than fifteen (15) days prior to the date fixed for said hearing. Following adoption of such map or maps, the town board shall certify a copy to the Register of Deeds of Duplin County, which copy shall be duly filed. The placing of any street or street line upon any official map or maps shall not in and of itself constitute or be deemed to constitute the opening or establishment of any street or the taking or acceptance of any land for street purposes.

Section 8.4 Right of Town to Acquire Property Before Improvements

From and after the time of adoption and certification to the Register of Deeds of any such map or maps, it shall be unlawful to build upon any land within the lines of proposed streets shown thereon or to repair or otherwise improve any existing buildings within said lines until the town board shall have been given an opportunity to purchase or otherwise acquire said property for street purposes as provided by this article. To that end, any person proposing to build upon such land, shall, in writing, notify the town board of the nature and estimated cost of such building, repairs, or improvements. The town board shall then determine whether it will take the necessary steps to acquire said land prior to construction of said buildings or the making of said repairs or improvements. If the town board fails, within sixty (60) days from the receipt of such notice, to acquire, adopt a formal resolution directing an appropriate officer to acquire, or institute condemnation proceedings to acquire said property, then the owner or other person giving notice may proceed to erect the building or to make the repairs or improvements described in said notice. The building inspector is authorized to withhold and refrain from issuing, for a period not exceeding sixty (60) days from receipt by the town board of the notice herein prescribed, any building permit for the erection of any building within the said lines, or for the making of any repairs or improvements to existing buildings within said lines.

Section 8.5 Failure to Give Notice Bars Recovery for Value of Improvements

If any person, firm, or corporation builds upon any land included within said proposed street lines, or repairs or otherwise improves that part of any existing building within said lines without giving the town board an opportunity to acquire said property

free from improvements, as provided in Section 8.4 of this article, the town shall not be required to pay for the value of said building, repairs or improvements in any proceedings subsequently brought to acquire the land for the purpose shown on the officially adopted map or maps.

Section 8.6 Failure of Town to Act Not to Limit Subsequent Condemnation

The failure of the town board to take action under Sections 8.4 and 8.5 of this article within sixty (60) days after notice shall not have the effect of limiting the right of the town board at any subsequent time to condemn the same. In such case, however, the owner shall be entitled to full compensation as now provided by law for the building, repairs or improvements made after the failure of the town board to take action within the prescribed period.

ARTICLE IX ZONING
Section 9.1 Extraterritorial Zoning

The town board shall have such authority to enact zoning regulations as is granted by the general law and as provided by North Carolina General Statutes 160A-360; 160A-381.

ARTICLE X POLICE
Section 10.1 Jurisdiction Extended

(a) The jurisdiction of the police force is hereby extended to include all territory outside and within two (2) miles of the corporate limits, and all members of the police force shall have within each territory, all rights, power and authority as they now have within the corporate limits.

(b) The jurisdiction of the police force is hereby extended to include all town owned property and facilities, whether located within or outside the corporate limits and

all members of the police force shall have upon and within such property and facilities all rights, power, and authority as they now have within the corporate limits.

ARTICLE XI SIDEWALKS
Section 11.1 Town May Clean or Repair After Notice; Charges to be a Lien

The town board may, by ordinance, establish a procedure whereby town forces may clean or repair any sidewalk upon failure of the abutting property owner after ten (10) days notice to do so. In such event, the cost of such cleaning or repair shall become a lien upon the abutting property equal to the lien for ad valorem taxes and may thereafter be collected either by suit in the name of the town or by foreclosure of the lien in the same manner and subject to the same rules, regulations, costs, and penalties as provided by law for the foreclosure of the lien on real property for ad valorem taxes.

ARTICLE XII REFUSE, WEEDS, AND TRASH
Section 12.1 Property to be Kept Free of Offensive Matter

It shall be the duty of every property owner in the town to keep his property free from noxious weeds, trash, and all other forms of offensive animal or vegetable matter or refuse which may be dangerous or prejudicial to the public health or which may constitute a public nuisance.

Section 12.2 Removal of Offensive Matter; Charges to be a Lien

The town board may by ordinance establish a procedure whereby town forces may clean, cut, and remove any weeds, trash, refuse or other offensive matter from any property upon failure of the owner or occupant after ten (10) days notice to do so. In such event, the cost of such cleaning, cutting and removal shall become a lien upon the particular property equal to the lien for ad valorem taxes and may thereafter be collected either by suit in the name of the town or by foreclosure of the lien in the same manner

and subject to the same rules, regulations, costs and penalties as provided by law for the foreclosure of the lien on real property for ad valorem taxes.

ARTICLE XIII PURCHASING AND CONTRACTS
Section 13.1 Provisions of General Law to Govern

All contracts of the town for construction or repair work or for the purchase of apparatus, supplies, material or equipment shall be made in compliance with the requirements of Article 3, Chapter 143 of the General Statutes.

Section 13.2 Conflict of Interest

No officer, department head, employee or board or commission member shall make or participate in the making of any contract with the town in which he may be in any manner financially interested, directly or indirectly. Any such person who has such an interest in any proposed contract shall make known that interest. The willful concealment of such a financial interest or the willful violation of this section shall constitute malfeasance in office or position, and any violator shall forfeit his office or position. Violation of this section with the knowledge express or implied of the person, firm, or corporation contracting with the city shall render the contract void.

ARTICLE XIV CLAIMS AGAINST THE TOWN
Section 14.1 Presentation of and Suits Upon Claims

(a) All claims or demands against the Town of Beulaville arising in tort shall be presented to the town board in writing, signed by the claimant, his attorney or agent, within ninety (90) days after the claim or demand is due or the cause of action accrues, and no suit or action shall be brought thereon within thirty (30) days or after the expiration of twelve (12) months from the time said claim or demand is presented. Unless the claim or demand is so presented within ninety (90) days after the cause of

action accrues, and unless suit is brought within twelve months thereafter, any action thereon shall be barred.

(b) No action shall be instituted against the town on account of damages to or compensation for real property taken or used by the town for any public purposes of any kind or for the ejectment of the town therefrom, or to remove a cloud upon the title thereof unless, within two (2) years after such alleged use, the owner, his executor, administrator, guardian or next friend shall have given notice in writing to the town board of the claim, stating in the notice the date that the alleged use commenced, a description of the property alleged to have been used, and the amount of damage or compensation claimed.

(c) Notwithstanding the provision of subsections (a) and (b) of this section, if a complainant suffers from physical or mental incapacity that renders it impossible for him to give notice, his action shall not be barred if notice of claim is given by him or in his behalf within six months after the termination of the incapacity, provided that minority shall not of itself constitute physical or mental incapacity. If the complainant is a minor, his action shall not be barred if notice of claim is given in his behalf within three (3) years after the happening or the infliction of the injury complained of, or, if the minor suffers from physical or mental incapacity that renders it impossible for him to give notice, his action shall not be barred if notice of claim is given in his behalf within six (6) months after termination of the incapacity, or within three (3) years after the happening or the infliction of the injury complained of, whichever is the longer period. The town may at any time request the appointment of a next friend to represent any person having a potential claim against the town and known to be suffering from physical or mental incapacity.

Section 14.2 Settlement of Claims

The town clerk or finance officer, as authorized by the governing body of the town, may settle claims against the town for (1) Personal injury or damages to property when the amount involved does not exceed the sum of fifty dollars (\$50) and does not exceed the actual loss sustained, including loss of time, medical expenses and any other expense actually incurred, and (2) The taking of small portions of private property which are needed for the rounding of corners at street intersections when the amount involved in any such settlement does not exceed fifty dollars (\$50) and does not exceed the actual loss sustained. Any settlement of a claim by the town clerk or finance officer pursuant to this section shall constitute a complete release of the town from any and all damages sustained by the person involved in such settlement in any manner arising out of the accident, occasion or taking complained of. All such releases shall be approved as to form by the town attorney.

ARTICLE XV MISCELLANEOUS
Section 15.1 Signing of Warrants or Orders for Payment

Only the finance officer of the Town of Beulaville is authorized to sign warrants or orders for payment on the town treasury or depository.

Section 15.2 Purpose

It is the purpose of this act to revise and reorganize the Charter of the Town of Beulaville, North Carolina, Private Laws 1915 Chapter 378; Private Laws 1925, Chapter 16; Session Laws 1955, Chapter 277; Session Laws 1959, Chapter 268; Session Laws 1961, Chapter 463. Any and all private laws in conflict with this Charter are hereby repealed and all acts not inconsistent hereto are not affected.

Section 15.3 Certain Vested and Derived Rights Preserved

No provision of this act is intended, nor shall be construed to affect in any way any rights or interests (whether public or private):

(a) Now vested or accrued, in whole or in part, the validity of which might be sustained or preserved by reference to any provisions of law repealed by this act.

(b) Derived from, or which might be sustained or preserved in reliance upon, action heretofore taken (including the adoption of ordinances or resolutions) pursuant to or within the scope of any provisions of law so repealed.

Section 15.4 No Revival of Prior Acts

No law heretofore repealed expressly or by implication and no law granting authority which has been exhausted, shall be reviewed by:

(a) The repeal herein of any act repealing such law; or

(b) Any portion of this act that disclaims an intention to repeal or affect enumerated laws.

Section 15.5 Ordinances, Etc., to Continue in Effect

Notwithstanding any other provisions of this act, all existing Beulaville ordinances and resolutions and existing rules or regulations of Town of Beulaville departments or agencies in effect at the time of the ratification of this act shall be and continue in full force and effect until repealed, amended, or modified.

Section 15.6 Adoption

No action or proceeding of any nature (whether civil or criminal, judicial or administrative, or otherwise) pending at the effective date of this act by or against or before the Town of Beulaville or any of its departments or agencies shall be abated or otherwise affected by the adoption of this act.

Section 15.7

Effective Date

This act shall become effective July 1, 1975. In the General Assembly, read three (3) times and ratified this the 14th day of April, 1975.